

**A SUBSTITUTE ORDINANCE
BY COUNCILMEMBERS DERRICK BOAZMAN AND C. T. MARTIN
AS SUBSTITUTED BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I, SECTION 10-1 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO DELETE THE CURRENT DEFINITION FOR THE TERM "PRIVATE CLUB"; TO INSERT IN LIEU THEREOF A NEW DEFINITION FOR THE TERM "PRIVATE CLUB"; TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-48; TO AMEND CHAPTER 10, ARTICLE II, DIVISION 5, SECTION 10-207; TO AMEND CHAPTER 10, ARTICLE II, DIVISION 5, SECTION 10-209, SUBSECTIONS (C) AND (D) TO AMEND THE HOURS IN WHICH ALCOHOLIC BEVERAGES CAN BE SOLD IN PRIVATE CLUBS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in protecting the public safety and general welfare and is able to do so through the regulation of the sale of alcohol; and

WHEREAS, it is the stated purpose of the City 's Alcohol Code that the City establish reasonable and ascertainable standards for the regulation and control of the licensing and sales of alcohol while preserving residential areas and promoting desirable living conditions and sustaining stability of neighborhoods and property values; and

WHEREAS, the current definition of the term "private club" in the City's Alcohol Code authorizes establishments which have been exempted from having to pay federal income tax pursuant to Section 501(c) of the Internal Revenue Code to sell alcoholic beverages for on premises consumption if they meet certain requirements as provided in the Section 10-1; and

WHEREAS, the current definition of the term "private club" in the City's Alcohol Code authorizes establishments which were licensed as private clubs on the date the current definition of the term "private club" became effective to be exempt from having to provide written documentation of their exemption from federal income tax pursuant to Section 501(c) of the Internal Revenue Code; and

WHEREAS, certain establishments which may not be exempt from paying federal income taxes pursuant to Section 501(c) of the Internal Revenue Code have been able to continue to obtain licenses in the City of Atlanta to sell alcoholic beverages as private clubs; and

WHEREAS, the City of Atlanta desires to require that all establishments filing

applications to sell alcoholic beverages as private clubs provide written documentation of their exemption from the payment of federal income taxes pursuant to Section 501(c) of the Internal Revenue Code; and

WHEREAS, Section 10-209 of the City's Alcoholic Beverage Code provides that alcoholic beverages may only be sold during certain hours in establishments licensed to sell alcohol but further provides an exemption for those establishments licensed as private clubs; and

WHEREAS, the exemption does not promote desirable living conditions or assist in preserving residential areas or sustaining the stability of neighborhoods and property values; and

WHEREAS, the City of Atlanta desires to ensure that the purpose of the City's Alcohol Code is not frustrated by continuing to allow private clubs to sell alcoholic beverages at hours different from those hours during which other establishments may sell alcoholic beverages; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: To amend the City of Atlanta Code of Ordinances, Chapter 10, Section 10-106 by adding the following language to the end of the first sentence:

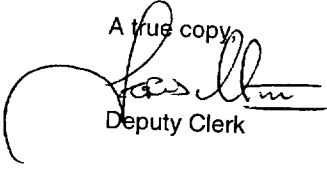
Any person granted a license as a private club under this division of the code of ordinances during the calendar year 2001 shall be issued a license effective only for the period of January 1, 2001 through March 31, 2001. All annual fees provided for private clubs shall be prorated accordingly.

Section 2: That Chapter 10, Article I, be amended to add a new Section 10-11 which shall read as follows:

If any provision, clause, sentence or paragraph of this Chapter, or the application thereof to any person or circumstances, shall be held invalid and unconstitutional, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this Chapter are hereby declared to be severable.

Section 3: For purpose of this ordinance, the provisions of this ordinance shall supercede any other ordinance or part thereof in conflict herewith.

OMC - Amendment Incorporated by tcp 12/14/00

A true copy,

Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

DEC 04, 2000
DEC 12, 2000

RCS# 2442
12/04/00
4:41 PM

Atlanta City Council

Regular Session

00-O-1846

Amend Code Section 10-1 "Private Club"
Regarding hrs. which alcohol can be sold
AMEND

YEAS: 11
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y McCarty	Y Dorsey	N Moore	B Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
NV Winslow	NV Muller	Y Boazman	NV Pitts

00-O-1846

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(Do Not Write Above This Line)

AN ORDINANCE *W. Langford*
BY COUNCILMEMBER DERRICK BOAZMAN

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I, SECTION 10-1 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO DELETE THE CURRENT DEFINITION FOR THE TERM "PRIVATE CLUB": TO INSERT IN LIEU THEREOF A NEW DEFINITION FOR THE TERM "PRIVATE CLUB": TO AMEND CHAPTER 10, ARTICLE II, DIVISION 5, SECTION 10-209, SUBSECTIONS (C) AND (D) TO AMEND THE HOURS IN WHICH ALCOHOLIC BEVERAGES CAN BE SOLD IN PRIVATE CLUBS; AND FOR OTHER PURPOSES.

12/4/00 - Amended by Roll Call
APPROVED BY: *Vote of Full Council*
Adopted Substitute As Amended

SUSAN PEASE LANGFORD
CITY ATTORNEY

AS AMENDED

- ☐ CONSENT REFER
 - ☐ REGULAR REPORT REFER
 - ☐ ADVERTISE & REFER
 - ☐ 1st ADOPT 2nd READ & REFER
 - ☒ PERSONAL PAPER REFER
- DEC 04 2000
COUNCIL

Date Referred *11/28/00*

Referred To: *Public Safety*

Date Referred

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Date Referred

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FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ ARC Vote

CERTIFIED

CERTIFIED
DEC 4 2000

ATLANTA CITY COUNCIL PRESIDENT

Robert A. Parker

CERTIFIED
DEC 04 2000

Robert Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
DEC 4 2000